

## REMARKS

Several editorial corrections have been made to the specification. Claims 12 and 14 have been amended to correct typographical errors. No new matter has been introduced with these corrections. Claims 1 - 14 remain in the application.

### I. Drawing Correction

A proposed drawing correction for Fig. 5 is included herewith. This correction aligns the heading of the last column of table 530 with its references in the text, and adds a missing comma to the entry in the first row of this column. No new matter is introduced with this drawing correction.

### II. Objection to the Specification

Page 2 of the Office Action dated December 20, 2002 (hereinafter, "the Office Action") states that the specification is objected to because of informalities. Appropriate correction has been made herein, and the Examiner is requested to withdraw this objection.

### III. Objection to the Claims

Page 3 of the Office Action states that Claims 12 and 14 are objected to because of informalities. Appropriate correction has been made herein, and the Examiner is requested to withdraw this objection.

### IV. Rejection under 35 U.S.C. §103

Page 3 of the Office Action states that Claims 1 - 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nobe et al., U. S. Patent 5,657,231 in view of Watanabe et al., U. S. Patent 6,269,303. This rejection is respectfully traversed.

As stated by the Federal Circuit,

The examiner bears the burden of establishing a *prima facie* case of obviousness. . . . Only if this burden is met does the burden of coming forward with rebuttal argument or evidence shift to the applicant. . . . When the references cited by the examiner fail to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned. *In re Deuel*, 34 USPQ 2d 1210, 1214 (Fed. Cir. 1995)

Applicants respectfully submit that a *prima facie* case of obviousness has not been made out, as will now be demonstrated. Applicants' independent claims specify limitations pertaining to identifying an origin and a destination; determining a first street on which the origin is located and a second street on which the destination is location; and computing a path from the origin on the first street to the destination on the second street using intersection data stored in a spatially-enabled table of the spatially-enabled database. These limitations have not been discussed in the Office Action. Instead, the text of Nobe's independent Claim 1 has been presented.

Applicants do not dispute that Nobe teaches the elements of his Claim 1. However, that is not the standard for a §103 rejection. Section 706.02(j) of the Manual of Patent Examining Procedure ("MPEP"), titled "Contents of a 35 U.S.C. 103 Rejection", states that three basic criteria must be met to establish a *prima facie* case of obviousness. Notably, the third of these criteria is "... the prior art reference (or references when combined) must teach or suggest all the

claim limitations.”. The Office Action provides no information to establish how the Nobe reference teaches or suggests any of the limitations of Applicants’ claims. Accordingly, the Office Action does not establish a *prima facie* case of obviousness. Therefore, according to *In re Deuel*, the rejection is improper and must be overturned.

Furthermore, Applicants respectfully submit that neither Nobe nor Watanabe teach the elements of their independent claims, and therefore these references cannot be combined to render Applicants’ independent claims unpatentable. In particular, Nobe has no teaching of using a spatially-enabled database, which is specified as a limitation in the preambles of Applicants’ independent claims and in the final limitations of these claims. This is (apparently) admitted in the Office Action on Page 4. The Office Action continues by stating that Watanabe’s references to latitude and longitude are considered as a spatially-enabled database. This is not accurate. The term “spatially-enabled database” is well known in the art, and such databases are described in Applicants’ specification. See, for example, p. 2, line 8 - p. 7, line 3, where these concepts are described. Reference may also be made to “The Spatial RDBMS in the Enterprise”, by Jason Weinberger, published Oct. 13, 2002 on the Internet at location [http://www.directionsmag.com/article.php?article\\_id=259](http://www.directionsmag.com/article.php?article_id=259), where spatial databases and spatial data are described.

The Online GIS Dictionary defines a spatial database as

The storage of geographic data in a prescribed format, including the location, shape, and description of geographical features as well as the relationships between different features. A spatial database usually includes co-ordinates and topological

information.

(See Internet location <http://www.agi.org.uk/public/gis-resources/gis-dictionary.htm>.) Watanabe does not use, mention, nor infer the use of a spatially-enabled database. What Watanabe teaches is selection of a road segment based on routing preferences, such as a potentially less-crowded road. While Watanabe's Fig. 2B uses the words "east longitude" and "north latitude", this does not infer use of spatial data or a spatially-enabled database. In the science of geodesy, latitude and longitude might simply refer to a coordinate system. Watanabe simply stores the point locations where a road is intersected (and does not teach use of spatial data for storing these points).

As described in the above-cited Weinberger article, and as discussed in Applicants' specification with reference to Fig. 1, spatially-enabled databases require definition of spatial data types. Weinberg states "The nature of spatial information is quite different from traditional non-spatial data.". Watanabe has no reference to, nor any suggestion of, using spatial data types (nor does Nobe).

The Office Action also fails to provide references that teach "using intersection data represented by street geometry data" stored in a spatially-enabled database, which is a limitation of the final element of Applicants' independent claims. Neither Nobe nor Watanabe teaches use of intersection data represented by *street geometry data* (where this data is stored in a spatially-enabled database).

Because a *prima facie* case of obviousness has not been made out as to the independent claims of Applicants' invention, those claims are deemed patentable. The dependent claims are also deemed patentable by virtue of the allowability of the independent claims.

Accordingly, the Examiner is respectfully requested to withdraw the §103(a) rejection.

V. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all claims at an early date.

Respectfully submitted,



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